THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P. No.7914 of 2006

Date: 05-09-2007

Between:

Sk. Abdul Khadar,
S/o Jamal, Muslim,
Aged about 58 years,
Senior Driver,
Resident of Vijayawada.
Petitioner

And

Krishna District Milk Producers
Mutually Aided Cooperative Union Limited,
Represented by its Managing Director,
Milk Powder Factory,
Vijayawada and others.
Respondents

ORDER:

This writ petition has been filed seeking *Writ* of *Mandamus* to declare the proceedings bearing U.O. No.5/Admn/A2/2006 dated 29-03-2006 where under the petitioner was made to retire on attaining the age of superannuation of 58 years, as arbitrary and illegal.

According to the petitioner, he would attain the age of supperannuation in the year 2008, whereas, he sought to be retired on 30-06-2006 by applying the wrong date of birth.

Now a counter affidavit has been filed by the respondents. *Firstly*, it is stated that the respondent is not a State within the meaning of Article 12 of the Constitution of India therefore; the writ petition is not maintainable. *Secondly*, a dispute as to the correct date of birth cannot be adjudicated in a proceedings of this nature.

Learned counsel for the petitioner, however, seeks to withdraw the writ petition.

I am in full agreement with the submission made by the learned counsel for the respondents that the writ petition is not maintainable against the respondent's organization, as it is not amenable to the jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the writ petition is not

maintainable. In view of the same, the Writ Petition is dismissed leaving liberty to the petitioner to workout the remedies as available under the law. There shall be no order as to costs.

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JUSTICE C.V. RAMULU

Date: 05-09-2007

LSK